

60,469-253
OT-5210REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Claim 1 has been amended to incorporate the limitations of claim 3. Claim 3 has been cancelled. Claim 14 has been amended. New claim 25 is presented. All other claims have been amended to make clerical changes to them. Applicant respectfully requests reconsideration of this application where claims 1, 2 and 4-25 are now pending.

Applicant respectfully submits that all claims are allowable and traverses the rejection under 35 U.S.C. §103 based upon the proposed combination of the *Kato, et al.*, *Kaneko* and *West* references. This rejection was applied against claims 3-6, 15-17 and 20 in the Office Action.

There is no *prima facie* case of obviousness because the proposed combination cannot be made for several reasons. First, the *West* reference is non-analogous art. Those skilled in the elevator art would not look to a reference that addresses the issue of preventing a large truck, such as a tractor-trailer arrangement that is backed into a loading dock from pulling away from the dock for purposes of deciding how to possibly modify the *Kato, et al.* or *Kaneko* references. An elevator car is supported to move vertically along guide rails that are fixed in a hoistway. There is no possibility for an elevator car to move relative to a landing that is the same as the way in which a truck may roll away from a loading dock. The *West* reference has no relevance to an elevator. The combination cannot be made and there is no *prima facie* case of obviousness.

Moreover, the combination cannot be made because the arrangement in the *West* reference cannot work within the context of an elevator system. If one were to attempt to incorporate the *West* arrangement as suggested by the Examiner, the truck restraining member 19 would not allow for the elevator car to move vertically within a hoistway. The manner in which the truck restraining member 19 operates would require it to extend across the clearance that

60,469-253
OT-5210

must be maintained between an elevator car and the hoistway walls in order for the elevator car to be able to move as required by standard elevator system configurations. The truck restraining member 19 would interfere with that because it would not allow for any clearance between the car and the truck restraining member 19 (assuming the truck restraining member 19 were supported on the hoistway wall). Likewise, if the truck restraining member 19 were supported on the elevator car, there would be no clearance between the truck restraining member 19 and the hoistway wall. In other words, the proposed modification incorporating the truck restraining member 19 of the *West* reference would render the elevator system of the *Kato* reference inoperable and incapable of achieving its intended purpose. Such a modification cannot be made. There is no *prima facie* case of obviousness.

Third, the Examiner's proposed combination cannot be made to the extent that the Examiner maintains that it would be obvious to first lock a sill member to a landing structure and then open an elevator door. The *Kato* reference cannot be modified in this way because the *Kato* arrangement relies upon elevator door movement for moving the auxiliary sill 14 into a position where it would approach a landing structure. This is evident by considering the position of the auxiliary sill member 14 shown in Figure 2, which corresponds to the door position shown in Figure 1. By moving the door from the position shown in Figure 1 to the position shown in Figure 3, the rod 8, link 7 and lever 6 move to cause movement of the auxiliary sill member 14 into the position shown in Figure 4. Therefore, it is impossible to modify *Kato* in a manner that would require moving the auxiliary sill 14 into a position where it could be locked to a landing structure prior to opening the elevator door of the *Kato* reference. Such a modification would render the *Kato* arrangement incapable of operating as it is intended to operate. Such a modification is not possible and there is no *prima facie* case of obviousness.

60,469-253
OT-5210

Any one of the three different reasons presented above indicate why there is no *prima facie* case of obviousness and the proposed combination of the *Kato*, *Kaneko* and *West* references cannot be made. Accordingly, all claims are allowable. Applicant respectfully requests a Notice of Allowance including the allowance of claims 7 and 13, which were previously withdrawn from consideration.

If the Examiner believes that a telephone conference will be useful to move this case forward toward being issued, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

CARLSON, GASKEY & OLDS

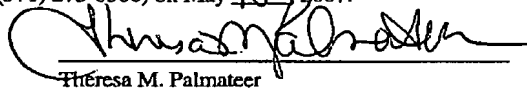
By: 

David J. Gaskey
Registration No. 37,139
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: May 18, 2007

CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 10,565,382 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on May 18, 2007.


Theresa M. Palmateer

N:\Clients\OTIS ELEVATOR\IP00253\PATENT\Response 5-07.doc